

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Endowments Department – Revision Petition filed by Sri Y.Mahaveer, President of the Committee, Sri Hanuman Temple, Domalguda, Hyderabad against the orders dt. 13.10.2009 of the Commissioner, Endowments Department, A.P., Hyderabad appointing the Executive Officer – Dismissed – Regarding.

REVENUE (ENDOWMENTS-I) DEPARTMENT

G.O.Rt.No. 387

Dated:29-03-2011.

Read the following.

1. Proceedings L.Dis.No.D3/40904/2009, dt: 13-10-2009
2. Revision Petition dt: 24-07-2010 filed by Sri Y. Mahaveer, President of the committee of Sri Hanuman Temple, Domalguda, Hyderabad.
3. From the CED, Lr.No.D3/ 40904/2009, dt: 23-06-2010 and 14-02-2011.

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ORDER:

Sri Y.Mahaveer, President of Sri Hanuman Temple, Committee, Domalguda, Hyderabad has filed the Revision Petition in reference 2nd read above before the Government under section 93 of the APC & HRI and Endowments Act 30 of 1987 against the orders issued by the Commissioner, Endowments Department, A.P., Hyderabad in L.Dis.No. D3/40904/2009, dt.13.10.2009 in the 1st read above placing the Executive Officer of Sri Hanuman Temple, Karmanghat, Hyderabad as incharge Executive Officer to Sri Hanuman Temple, Domalguda, Hyderabad.

2. In the Revision Petition, the Petitioner has contended that, at no point of time Sri Hanuman Temple, Domalguda, Hyderabad was registered or notified under section 6 or section 43 of the APC & HRI and Endowments Act and that without any notice, the Commissioner, Endowments Department, A.P., Hyderabad has issued proceedings in L.Dis.No.D3/40904/2009, dt.13.10.2009 entrusting the administration of the temple to the Executive Officer, Sri Hanuman Temple, Karmanghat, Hyderabad without conducting any enquiry with the Managing Committee and that the said orders were passed in violation of the principles of natural justice. The Petitioner has further stated that, the Commissioner has no powers to pass the said orders.

3. The Commissioner, Endowments Department, Hyderabad issued orders in the reference 1st above placing the Executive Officer of Sri Hanuman Temple, Karmanghat, Hyderabad as incharge Executive Officer to Sri Hanuman Temple, Domalguda, Hyderabad. Aggrieved by the said orders, the Petitioner filed W.P No. 22953/2009 before the Hon'ble High Court. By the orders dt. 8.2.2010 in W.P No. 22953/2009, the Hon'ble High Court directed the Petitioner to avail the alternative remedy provided u/s 93 of the Act before the Government. Pursuant to the directions issued by the Hon'ble High Court, the Petitioner filed the present Revision Petition.

4. The relevant records relating to Commissioner's Proc., in L.Dis.No. D3/40904/2009, dt. 13.10.2009 have been called for.

5. Sri Hanuman Temple, Domalguda, Hyderabad has been published under section 6 © (ii) of the APC & HRI and Endowments Act 30 of 1987 at Sl.No. 815 vide File No. J3/37930/90, dt.22.04.1993 and registered under section 30 of the repealed APC & HRI and Endowments Act 17 of 1966 vide Proc. In R.Dis.No. B/5529/1969 of the Assistant Commissioner, Endowments Department, Hyderabad. The temple was under the management of the Self Styled Committee members. There were several complaints of mismanagement by the members of the Self Styled Committee such as misuse of temple funds, incurring the expenditure lavishly, not getting the Budget approval of the competent authority u/s 57 and not obtaining permission as required under the provisions of the Act 30 of 1987. The Self Styled

Committee has also refused to produce the Accounts before the Inspector of Endowments Department for verification. In order to ensure proper management and set right the affairs of the temple, the Deputy Commissioner, Endowments Department, Hyderabad and the Assistant commissioner, Endowments Department, Twin Cities, Hyderabad have recommended for appointment of an Executive Officer to the temple. Accordingly, the Commissioner, Endowments Department, A.P., Hyderabad has issued the impugned orders in L.Dis.No.D3/40904/2009, dt.13.10.2009 placing the Executive Officer, Sri Hanuman Temple, Karmanghat, Hyderabad as incharge Executive Officer of Sri Hanuman Temple, Domalguda, Hyderabad.

6. The case was taken up for hearing on 19.02.2011 and heard the Petitioner in person. The contention of the Petitioner that the temple was neither published nor registered under the provisions of the Endowments Act is found to be untenable, as the temple has been published under section 6 © (ii) of the APC & HRI and Endowments Act 30 of 1987 at Sl.No. 815 vide File No. J3/37930/90, dt.22.04.1993 and registered under section 30 of the repealed APC & HRI and Endowments Act 17 of 1966 vide Proc. In R.Dis.No.B/5529/1969 of the Assistant Commissioner, Endowments Department, Hyderabad.

7. Further, as per clause (a) of sub-section (3) of Section 1 of the APC & HRI and Endowments Act 30 of 1987 the provisions of the APC & HRI and Endowments Act 30 of 1987 applies to all public charitable institutions and endowments, the administration of which is for the time being vested in any Department of Government, or Civil Court, Zilla Praja Parishad, Municipality or local authority, or any company, Society, organization, institution and to all Hindu public religious institutions and endowments whether registered or not in accordance with the provisions of the Act. Similarly, under section 29 of the Act 30 of 1987, the Commissioner is empowered to appoint an Executive Officer to any institution. No such prior notice is contemplated under the provisions of the Act 30 of 1987 before the appointment of an Executive Officer by the Commissioner under section 29 of the Act.

8. After having gone through the records and hearing the arguments, Government dismiss the Revision Petition filed by Sri Y. Mahaveer, President of the Committee with a direction to continue the Executive Officer appointed to the subject temple vide the orders in L.Dis.No.D3/40904/2009, dt: 13-10-2009 of the Commissioner of Endowments Department, A.P., Hyderabad.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.V. RAMANACHARY
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Y.Mahaveer, President, Sri Hanuman Temple Committee,
Domalguda, Hyderabad.

The Commissioner, Endowments Department, A.P., Hyderabad.

//FORWARDED :: BY ORDER//

SECTION OFFICER